



12-30-04

3624

Customer No 000042131; Docket No. 121.002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Asani, Karim

Serial No.: 09/523,789

Art Unit: 3624

Filed: March 13, 2000

Examiner: Waslychak, Steven R.

For: METHOD AND SYSTEM FOR SECURE FINANCIAL TRANSACTION IN
ELECTRONIC COMMERCE

Commissioner for Patents
Box 1450, Alexandria, VA 22313-1450

RESPONSE to Office Communication (12/16/2004) and Amendment Under 37 CFR

1.112 in response to Office Action (7/16/2004)

Sir:

In response to the Office Communication dated December 16, 2004, applicant's attorney has corrected the informalities pointed out by the Examiner in the paper filed on October 5, 2004, and submits herewith the Amendment and two replacement SHEETS for Figures 5A and 6 for review on the merits. Exhibit 1 was submitted on October 5, 2004.

In response to the Office Action dated July 16, 2004 Applicant files this amendment and arguments. The current Office Action is the seventh one issued during the prosecution of this case. The reference (Schwartz et al., U.S. Patent Application No. 2001/0044787A1, published on November 22, 2001, claiming priority on a Provisional Application No. 60/176,390, filed January 13, 2000- "the '44787 application.") upon which the Action bases a Section 102(e) rejection was published on November 22, 2001,

and applicant cannot understand why this reference was not raised in the previous several Office Actions since it was available.

Applicant submits herewith a copy of Schwartz et al.'s Provisional No. 60/176,390 to demonstrate that this document does not contain any of the cited sections from Schwartz et al.'s Published application – the '44787 application that the Examiner relied on. That is, new matter added to the '44787 application cannot properly claim priority on the Provisional No. 60/176,390. See Exhibit 1.

Since the filing date of the '44787 application is December 14, 2000, it cannot be prior art for the present application which has the earlier filing date of March 13, 2000. In any event, applicant has submitted herewith amendments and arguments to overcome the Schwartz et al. reference, in the event that this Examiner deems it to claim priority to its Provisional.

The July 16, 2004 Office Action has cited an additional twelve (12) references but has not based any substantive arguments based on these references. Applicant has noted these references but is not discussing them in detail because they were not discussed in this Office Action.